

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

INVOKANA PLAINTIFFS,	:	Civil Action Nos. [A list of all pending cases before this Court is attached hereto Exhibit A]
Plaintiffs,	:	
v.	:	
JANSSEN PHARMACEUTICALS, INC.,	:	
et al.	:	
Defendants.	:	
	:	CASE MANAGEMENT ORDER #3
	:	

THESE MATTERS having been assigned to the Honorable Brian R. Martinotti, U.S.D.J. on August 8, 2016, by the Order of Chief Judge Jerome B. Simandle, the Court having reviewed the individual docket, all pending motions, and having conducted prior case management conferences (“CMC”), and a CMC having been conducted on November 15, 2016, with the Honorable Lois H. Goodman, U.S.M.J. also presiding, counsel appearing, for good cause shown and for the reasons set forth on the record,

IT IS on this 15th day of November 2016,

ORDERED

I. ORDERS SINCE LAST CMC

- A. Case Management Order (“CMO”) #2, entered October 5, 2016
- B. Protective Order Regarding Confidential Information, entered November 4, 2016

II. COMPLIANCE WITH CMO #2

- A. Short Form Complaint (“SFC”) and Short Form Answer (“SFA”): Counsel will continue to meet and confer regarding a Master Complaint, SFC, Master Answer, and SFA, specifically discussing a procedure regarding allegations of fraud. [The parties have represented to the Court that they are close to an agreement regarding the Mitsubishi Tanabe defendant.]
- B. Plaintiffs’ Fact Sheet (“PFS”): The parties will continue to meet and confer, understanding that the PFS is contingent on an agreement in Section II(A).
- C. Defendants’ Fact Sheet (“DFS”): The parties will confer on a Defense Fact Sheet once the issue relating to foreign defendants is resolved.
- D. Preservation Order: The parties have met and conferred on a Preservation Order. The Defendants have represented that they are in compliance with the Federal Rules and applicable case law regarding preservation of materials and maintain there is no need for a formal order.
- E. ESI Order: The parties jointly submitted a proposed ESI Order on October 31, 2016.
- F. Parameters of Discovery: Janssen has made nine productions to date comprising over 400,000 documents and 3.8 million pages. The parties will be conferring on amendments to the search terms if needed and document productions.
- G. Case List: Attached to this CMC is an up to date list of the 54 Invokana cases pending in this Court.

III. CASE MANAGEMENT

A. Status of Invokana litigation:

1. District of New Jersey Cases: Cases filed since last CMC are noted with asterisk on the list attached hereto as Exhibit A.
2. Pending JPML Petition for MDL: JPML hearing scheduled for December 1, 2016 in Charlotte, North Carolina.
3. Other federal and state court cases: The Court has been advised that, since the last CMC, other cases have been filed in federal and state courts.

IV. DISCOVERY

A. Judge Goodman shall preside over all discovery matters. All motions to seal shall be filed as omnibus motions.

V. GENERAL/SCHEDULING

- A. The next CMC is scheduled for January 12, 2016, at 11:00am. Liaison counsel shall appear at 10:00am.
- B. Counsel is required to submit a joint agenda five (5) days prior to the next scheduled conference, which shall include an up to date list of Invokana cases pending in this Court. If there are any disagreements as to the agenda, counsel shall set forth each party's position.
- C. Counsel may contact Judge Martinotti or Judge Goodman *ex parte* for the purpose of settlement discussions only.

D. Counsel is required to abide by Judge Martinotti's and Judge Goodman's submission and communication procedures, respectively, unless and until the Court so orders superseding rules for this litigation.

/s/ Brian R. Martinotti

BRIAN R. MARTINOTTI
UNITED STATES DISTRICT COURT

EXHIBIT A

List of cases pending before this Court a/o 11/15/16

15-8070 PUENTE	16-5683 WILLIAMS
16-1786 BENJAMIN	16-5479 SARKISYAN
16-1787 PARTINGTON	16-5674 HUDSON
16-1897 ANDERS	16-5682 STRINGER
16-1898 SWINNEY	16-5676 KEMP
16-1931 SEIFRIED	16-5388 MULLIN
16-2048 BOWLING	16-5394 ERWAY
16-2050 ROBERTSON	16-5677 LUNA
16-2278 HUMPRIES	16-5383 JOHNSTON
16-2361 GARCIA	16-5681 POOLE
16-2386 MILBURN	16-5649 FELIX
16-2938 KUNO	16-5675 JAYJOHN
16-3114 THOMPSON	16-5696 WOOD
16-3362 HENDERSON	16-6049 MOREY
16-3993 SCHNITZER	16-6143 PUGA
16-4024 WADDLE	16-6183 SMITH
16-4136 WARREN	16-6192 SWEARINGEN
16-4484 DESALIS	16-6476 CHAFE
16-4485 FOREHAND	*16-6760 ANDERSON
16-4486 JACKSON	*16-7520 FIELDS
16-4489 ROGERS	*16-7572 PLOTT
16-4490 SUTHERLAND	*16-7591 MONOT
16-6046 GREEN	*16-8004 REDMOND
16-5940 SANDERS	*16-8007 BENTLEY
16-5316 LEMKE	*16-8074 ARIS
16-5478 ERVIN	*16-8132 BENNETT
16-5645 BUCHANAN	*16-8133 NICHOLS
	*16-8134 WATTS